

Message

From: Shea, Valois [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A4217A71307D4429B7BDC7C80EB40C7D-SHEA, VALOIS]
Sent: 1/16/2018 4:57:21 PM
To: David Ganje [davidganje@ganjelaw.com]
Subject: RE: Dewey Burdock project

In the case of the Class III permit, we have water quality analyses that demonstrate the Inyan Kara aquifers are underground sources of drinking water (USDWs), which means an aquifer exemption is required for injection to be allowed. The criteria is total dissolved solids less than 10,000 mg/L.

Based on water quality analyses from the Minnelusa at the Barker Dome oilfield, it doesn't appear the Minnelusa is a USDW at the Dewey-Burdock site, so Powertech did not request an exemption for the Minnelusa aquifer. The Class V draft permit authorizes injection in the Minnelusa only if it is not a USDW.

Valois

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From: David Ganje [mailto:davidganje@ganjelaw.com]
Sent: Tuesday, January 16, 2018 9:41 AM
To: Shea, Valois <Shea.Valois@epa.gov>
Subject: RE: Dewey Burdock project

Hello again

I have a further question. The Class V draft permit does not use an aquifer exemption process in granting the permit, but in the other well application of powertech the EPA used an aquifer exemption process. Why the difference?

Thanks

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From: Shea, Valois [<mailto:Shea.Valois@epa.gov>]
Sent: Tuesday, January 16, 2018 9:16 AM
To: David Ganje <davidganje@ganjelaw.com>
Subject: RE: Dewey Burdock project

Hi David,

The deep injection wells at all the other ISR sites in the US are all permitted by the state UIC programs. These wells occur in Wyoming, Nebraska and Texas, where the EPA has delegated the portion of the UIC program regulating Class I wells to the state. South Dakota does not have primacy for the portion of the UIC program regulating Class I (and Class III and V wells), so the EPA directly implements that program in South Dakota. That is why the EPA is issuing the draft permits for Dewey-Burdock.

The other part of your question about the permit limits relates to the UIC well class for these Dewey-Burdock deep disposal wells. Because the wells at the Dewey-Burdock site propose injection above the Madison aquifer, they are Class V wells under UIC regulations. Class V wells cannot inject radioactive or hazardous waste, so that is why those permit limits are included in the draft Class V permit. The wells at the other ISR sites are Class I wells. Class I regulations do not require that permit limits be set for constituents in Class I injectate.

If you are interested in reviewing the state requirements for these Class I wells, I have included the web site links for WY, NE and TX DEQs:

WY: <http://deq.wyoming.gov/wqd/underground-injection-control/resources/class-i/>

NE: <http://deq.ne.gov/NDEQProg.nsf/OnWeb/UIC> (doesn't really include any requirement info, just mentions the one Class I well at the Crow Butte ISR site.)

TX: https://www.tceq.texas.gov/permitting/waste_permits/uic_permits/UIC_Guidance_Class_1.html

The state requirements must meet the minimum requirements in the EPA UIC regs. Here is the EPA website providing info about Class I requirements:

<https://www.epa.gov/uic/requirements-all-class-i-wells-and-class-i-hazardous-waste-wells>

I hope this info is helpful!

Valois

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From: David Ganje [<mailto:davidganje@ganjelaw.com>]
Sent: Saturday, January 13, 2018 10:39 AM
To: Shea, Valois <Shea.Valois@epa.gov>
Subject: Dewey Burdock project

Hello again.

I read the EPA's draft Class V Area Permit for Dewey Burdock. You folks put a lot of work into the draft permit for sure.

I have a couple of questions. You have placed limits on the composition of waste injection material in the permit. I refer to this requirement: The injection of fluids with constituent concentrations above the hazardous waste or radioactive waste concentration limits is prohibited. The injectate shall meet the permit limits set in Part V, Section D.2.a, Table 16.

My questions are as follows. How many permits are presently outstanding in the US in which similar permit limits on constituent concentrations have been issued by the EPA for uranium mines? If there are no relevant current permits outstanding, could you please provide me the number of any previously issued permits of this type?

If you do not have this information readily available, would you please consult with your agency and provide me the information? Thanks much for your cooperation.

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